

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

In re REMICADE ANTITRUST LITIGATION) Civil Action No. 2:17-cv-04326-KSM
_____) **(Consolidated)**

This Document Relates To:) CLASS ACTION

INDIRECT PURCHASER ACTIONS.)
_____))

WALGREEN CO. and THE KROGER CO.,) Civil Action No. 2:18-cv-02357-KSM
_____) **(Related)**

Plaintiffs,)

vs.)

JOHNSON & JOHNSON and JANSSEN
BIOTECH, INC.,)

Defendants.)
_____))

The Honorable Karen Spencer Marston

JOINT SCHEDULING ORDER

AND NOW, this 29th day of November, 2021, it is ORDERED that the Joint Scheduling Order is APPROVED as follows:

1. All Fact Discovery shall be completed by no later than April 1, 2022.¹
2. Plaintiffs shall identify and submit curriculum vitae for any and all expert witnesses on or before April 1, 2022.
3. The Parties shall meet and confer to discuss possible mediation, including agreement on mediators and scope of potential mediation by May 2, 2022.
4. Plaintiffs shall submit reports from any and all expert witnesses (both class and merits) on or before June 3, 2022.
5. The Indirect Purchaser Plaintiffs National Employees Health Plan and Local 295 IBT Employer Group Welfare Fund's Class Certification Motion shall be filed by no later than June 3, 2022.
6. Defendants shall identify and submit curriculum vitae for any and all expert witnesses on or before June 10, 2022.
7. Defendants shall submit reports from any and all expert witnesses (both class and merits) on or before September 2, 2022.
8. Defendants shall file any and all Opposition Motions for Class Certification, including any motions challenging Plaintiffs' expert witnesses re: class certification by no later than September 2, 2022.

¹ "Plaintiffs" refer to Indirect Purchaser Plaintiffs National Employees Health Plan and Local 295 IBT Employer Group Welfare Fund in *In re Remicade Antitrust Litigation*, No. 2:17-cv-04326-KSM (E.D. Pa.) and Retailer Plaintiffs Walgreen Co. and The Kroger Co. in *Walgreen Co. v. Johnson & Johnson*, No. 2:18-cv-02357-KSM (E.D. Pa.); and "Defendants" refer to Johnson & Johnson and Janssen Biotech, Inc. (collectively, the "Parties"). Plaintiffs have agreed to notice no more than three additional Defendant depositions beyond those currently noticed. Defendants have agreed to notice only one 30(b)(6) deposition of each of the named Plaintiffs in the consolidated actions. The Parties propose no cap on the number of third party depositions that will be taken.

9. Plaintiffs shall submit any and all rebuttal expert reports on or before October 14, 2022.

10. Indirect Purchaser Plaintiffs National Employees Health Plan and Local 295 IBT Employer Group Welfare Fund's reply in support of Class Certification, including Oppositions to any motions challenging Defendants' experts re: class certification shall be filed by no later than October 14, 2022.

11. All expert witness depositions and all expert discovery shall close on November 4, 2022.

12. Defendants' Replies to any motions challenging Plaintiffs' experts re: class certification shall be filed by no later than November 4, 2022.

13. Defendants' Sur-Reply on class certification (if sought and permitted) shall be filed by November 14, 2022.

14. All Motions for Summary Judgment and any and all *Daubert* Motions on the merits shall be filed by no later than December 16, 2022.

15. Responses to all Motions for Summary Judgment and *Daubert* Motions on the merits shall be filed by no later than February 17, 2023.

16. Any and all Replies in support of Summary Judgment Motions and merits *Daubert* Motions shall be filed on or before March 17, 2023.

17. Trial is scheduled for a date to be determined after the Court rules on any summary judgment motions that are filed.

IT IS SO ORDERED.

/s/ Karen Spencer Marston

KAREN SPENCER MARSTON, J.